

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA

BRYAN TURNER

vs.

CITY OF PHILADELPHIA

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CIVIL ACTION NO. 2:20-cv-04502

ORDER

THIS MATTER before the Court is on Plaintiff Bryan Turner's Motion to Compel Responses to Interrogatories Addressed to Defendant City of Philadelphia, filed on April 25, 2022. Having considered the motion, and any response thereto, the Court ORDERS and DECREES that the motion is GRANTED. Defendant shall answer Plaintiff's interrogatories addressed to Defendant within fifteen (15) days of entry of this Order. It is further ordered that Plaintiff's time to file a motion for summary judgment is extended to thirty (30) days after entry of this Order.

J.

PA ID: 88417

PHILADELPHIA, PA 19103

Attorney for Plaintiff

EMAIL: mfreeman@freeman-law-firm.com

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA

BRYAN TURNER

[illegible]

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VS.

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PLAINTIFF BRYAN TURNER’S MOTION TO COMPEL RESPONSES TO INTERROGATORIES
ADDRESSED TO DEFENDANT CITY OF PHILADELPHIA

Plaintiff Bryan Turner (hereinafter, “Plaintiff”), by and through his attorney, Melissa Freeman, Esq., hereby moves to compel answers to interrogatories addressed to Defendant City of Philadelphia (hereinafter, “Defendant”), pursuant to the Federal Rules of Civil Procedure 33 and 37, and Local Rule of Civil Procedure 26.1(g), and in support thereof avers as follows:

1. On February 24, 2022, a case management conference was held before the Honorable Paul S. Diamond.
2. Plaintiff sent Defendant, through counsel Nicole Morris, Esq., the same set of interrogatories twice, including an advance copy on June 15, 2021 and again on January 18, 2022. The parties also discussed the discovery at the Rule 26.1(f) meeting, during which Ms. Morris anticipated answering within the thirty (30) days set by the rules.
3. Responses were initially due on March 25, 2022. Plaintiff confirmed an extension to April 6, 2022 by email, as follows:

From: Melissa Freeman <mfreeman@freeman-law-firm.com>
Sent: Thursday, March 31, 2022 10:23:51 PM
To: Nicole Morris <Nicole.Morris@phila.gov>
Cc: Elizabeth Okakpu <Elizabeth.Okakpu@Phila.gov>
Subject: Discovery responses - Bryan Turner v. City, No. 2:20-cv-04502

External Email Notice. This email comes from outside of City government. Do not click on links or open attachments unless you recognize the sender.

Hello Nicole,

The discovery responses are now overdue. Because of the tight discovery deadline, please provide responses by Wednesday, April 6th.

Thank you,

Melissa Freeman, Esq.

4. On March 31, 2022, Elizabeth Okakpu, Esq., counsel for Defendant, acknowledged the extension by email, as follows:

Re: Discovery responses - Bryan Turner v. City, No. 2:20-cv-04502
Elizabeth Okakpu <Elizabeth.Okakpu@Phila.gov>
Thu 3/31/2022 11:33 PM
To: Melissa Freeman <mfreeman@freeman-law-firm.com>; Nicole Morris <Nicole.Morris@phila.gov>

Melissa,

We have not had a chance to be formally introduced. I will be handling this matter moving forward. I will have discovery responses to you by April 6th.

Regards,
Elizabeth

Elizabeth U. Okakpu, Esq.
Assistant City Solicitor, Labor & Employment Unit
City of Philadelphia Law Department
1515 Arch Street, 16th Floor
Philadelphia, PA 19102
Phone: (215) 683-5132
Fax: 215-683-5299
Pronouns: she/her

5. On April 6, 2022, Ms. Okakpu stated by phone that she would not be able to meet the deadline and would request an extension from Judge Diamond. Plaintiff had no objection to Defendant making the request.

6. Defendant sent an April 11, 2022 letter to Judge Diamond, entered on the docket as a motion for extension, asking the Court for an additional 45-days.
7. The 45-day extension was not granted. Discovery must be completed by April 25, 2022 and motion for summary judgment filed by May 9, 2022.
8. Plaintiff certifies, per attached Exhibit A, that the movant has in good faith conferred or attempted to confer with the party failing to make discovery in an effort to obtain it without court action. In addition to providing interrogatories several months in advance and extending the due date, Plaintiff communicated with Ms. Okakpu, copying Ms. Morris, by email and phone after April 11, 2022 in an effort to receive responses. The responses are now more than two weeks late. Plaintiff also sent a priority email this morning to both counsel about the interrogatories. No response was received and their office is now closed.
9. Plaintiff has not received any objection or response to the interrogatories, and requests that this Court compel full and complete responses to the same.
10. As a result of not receiving responses to interrogatories, Plaintiff has been prejudiced in his ability to file any dispositive motion, and requests that this Court extend Plaintiff's time to file the motion for summary judgment.

WHEREFORE, Plaintiff Bryan Turner prays that this Honorable Court compel Defendant City of Philadelphia to answer the interrogatories addressed to Defendant within fifteen (15) days of entry of the Order, extend Plaintiff's time to file a motion for summary judgment to thirty (30) days after entry of the Order to compel, and for such other relief as this Court deems just and proper.

Respectfully submitted,

/s/ Melissa Freeman
MELISSA FREEMAN, ESQ.
Attorney for Plaintiff

Dated: April 25, 2022

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CERTIFICATE OF SERVICE

I hereby certify that on April 25, 2022, I caused to have electronically filed the foregoing motion to compel responses to interrogatories with the Clerk of the Court using the ECF system, which will send notification of the same to all counsel of record for Defendant City of Philadelphia. The motion was also emailed to Nicole Morris, Esq. and Elizabeth Okakpu, Esq., counsels for Defendant.

Respectfully submitted,

/s/ Melissa Freeman
MELISSA FREEMAN, ESQ.
Attorney for Plaintiff

Dated: April 25, 2022

EXHIBIT A

MELISSA FREEMAN, ESQUIRE

PA ID: 88417

1617 JFK Blvd., 20th Fl.

PHILADELPHIA, PA 19103

TELEPHONE: (215) 868-7859

Attorney for Plaintiff

EMAIL: mfreeman@freeman-law-firm.com

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CERTIFICATION

In accordance with Federal Rule of Civil Procedure 37, Plaintiff certifies that the movant has in good faith conferred or attempted to confer with the party failing to make discovery in an effort to obtain it without court action.

/s/ Melissa Freeman

MELISSA FREEMAN, ESQ.

Attorney for Plaintiff

Dated: April 25, 2022